

EXHIBIT 5

Taggart Response to Superior Court Order to Show Cause

IN THE
SUPERIOR COURT OF PENNSYLVANIA

No. 1305 EDA 2012

CP Montgomery County No. 09-25338

GMAC Mortgage, LLC
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Fort Washington, Pa 19034

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Fox Rothschild
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Counsel for Eagle Nationwide Mortgage Company

And Does

Plaintiff

v.

Kenneth J Taggart, Pro Se
45 Heron Rd
Holland, Pa 18966

Defendant

**APPELLANT'S BRIEF TO SHOW CAUSE WHY APPEAL SHOULD NOT BE
QUASHED & Motion for stay pending Bankruptcy of GMAC Mortgage, LLC**

Appeal as a Right

1. This appeal is regarding the extension/submission of briefs/preliminary objections to a “Motion to Appoint a Receiver”; It is an Interlocutory appeal as a Right pursuant to the Pennsylvania Rules of Appellate Procedure, See rule 311, (a) (2)

Rule 311. Interlocutory Appeals as of Right.

(a) *General rule.* An appeal may be taken **as of right** and **without reference to Pa.R.A.P. 341(c)** from:

(1) *Affecting judgments.* An order refusing to open, vacate or strike off a judgment. If orders opening, vacating or striking off a judgment are sought in the alternative, no appeal may be filed until the court has disposed of each claim for relief.

(2) *Attachments, etc.* An order confirming, modifying or dissolving or refusing to confirm, modify or dissolve an attachment, custodianship, **receivership or similar matter affecting the possession or control of property**, except for orders pursuant to Section 3323(f) or 3505(a) of the Divorce Code, 23 Pa.C.S. § § 3323(f), 3505(a).

2. This matter is appealable as “A Right” under Rule 311. (a) (2) without reference to Pa. R.A.P. 341 (c). Specifically, matter involves the taking of property (Rents) and Plaintiff is seeking an attachment in the form of receivership appointment; This would deprive defendant the right to his property. The Order being appealed involves the denial of defendant an extension to file preliminary objections to “Motion to Appoint a Receiver”. The Motion is a **matter affecting the possession or control of property** under Pa. Rule 311, (a)(2). *For this very reason alone, the forgoing Motion is appealable as a right.*

Rebuttal to Rule to show Cause

4. This appeal clearly falls under rule 311 (a)(2) as di prior appeals that wese quashed by this court; That is why there is a complaint filed in Federal Court regar ling these actions (Case 12-cv-1913). Quashing this appealable action will result in an amended complaint being filed in Federal Court

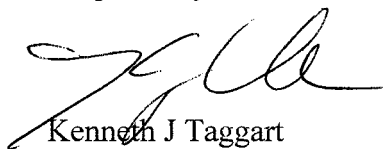
Conclusion

5. This action is clearly appealable as a matter of law. . Previous appeals have no impact on this current appeal that is judicially proper and being taken as a right under P... R.C.P Rule 311(a)(2)

The defendant Motions the court for Stay pursuant bankruptcy by GMAC.

This case is stayed in Montgomery county Court of common pleas by consent of GMAC Mortgage, LLC until Bankruptcy hearing on August 14, 2012. Defendant Motions for stay until Bankruptcy Judge rules on August 14,2012

Respectfully Submitted,



Kenneth J Taggart

July 20, 2012

Certificate of Service

No: 1305 EDA 2012 Superior Court of Pennsylvania

The undersigned certifies that on July 20, 2012, he caused a copy of :

**APPELLANT'S BRIEF TO SHOW CAUSE WHY APPEAL SHOULD NOT BE
QUASHED & Motion for stay pending Bankruptcy of GMAC Mortgage, LLC**

to be delivered to The Superior Court of Pennsylvania via personal service. A
copy of the foregoing Document was also sent via USPS to:

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